

# TYPE II DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1201 SPR



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**Project Name:** 139<sup>th</sup> STREET PLAZA

**Case Number:** PLD2009-00050; PSR2009-00042; SEP2009-00092

**Location:** 406 NE 139<sup>th</sup> Street

**Request:** The applicant is proposing to divide approximately 4.68 acres located in an ML (Light Industrial) zoning district into four (4) parcels. The applicant is also requesting site plan approval for a 4,000 square foot existing automotive repair shop on Lot 1, a 4,900 square foot quick lube auto service building on Lot 2, a 4,980 square foot automotive repair shop on Lot 3, and a 29,850 square foot mini-storage facility on Lot 4.

**Applicant:** J.A. Morris Construction LLC  
P.O. Box 12645  
Olympia, WA 98508  
(360) 570-8515 [phone]; (360) 570-8513 [fax]  
[kim@jamorrisconstruction.com](mailto:kim@jamorrisconstruction.com)

**Contact Person:** Same as applicant

**Property Owner:** Tom and Holly Gaynor  
12915 NE 176<sup>th</sup> Circle  
Battle Ground, WA 98604

## DECISION

**Approve Subject to Conditions**

**Development Services Manager's Initials:**

Handwritten initials "MB" in black ink.

**Date Issued:** January 14, 2010

## **County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
<b>Planner:</b>	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
<b>Engineer:</b> (Trans. & Stormwater)	David Bottamini	4881	david.bottamini@clark.wa.gov
<b>Engineer:</b> (Trans. Concurrency)	David Jardin	4354	david.jardin@clark.wa.gov
<b>Development Services Manager:</b>	Michael Butts	4137	mike.butts@clark.wa.gov
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<b>Engineering Supervisor:</b> (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
<b>Building Safety:</b>	John John Weber	4451	john.weber@clark.wa.gov
<b>Fire Marshal Office:</b>	Tom Scott	3323	tom.scott@clark.wa.gov

**Comp Plan Designation:** ML (Light Industrial)

**Parcel Number:** Lot 5/30 (185402) located in the Southeast Quarter of Section 22; Township 3 North; Range 1 East of the Willamette Meridian.

### **Applicable Laws:**

Clark County Code Sections 40.200 (General Provisions); 40.230.080 (Industrial Districts); 40.320.010 (Landscaping and Screening); 40.340.010 (Parking and Loading); 40.350.010 (Pedestrian/Bicycle Circulation Standards); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.360 (Solid Waste and Recycling); 40.370.010 (Sewer Regulations); 40.370.020 (Water Supply); 40.380 (Stormwater and Erosion Control); 40.500 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.520.040 (Site Plan Review); 40.570 (SEPA); 40.610 and 40.620 (Impact Fees); Title 14 (Buildings and Structures); and Title 15 (Fire Code).

### **Neighborhood Association/Contact:**

North Salmon Creek Neighborhood Association  
Barbara Anderson, President  
105 NE 150<sup>th</sup> Street  
Vancouver, WA 98685  
(360) 573-2240  
E-mail: [barbara.anderson@msn.com](mailto:barbara.anderson@msn.com)

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on April 30, 2009. The pre-application was determined to be contingently vested as of April 9, 2009. The fully complete application was submitted on October 28, 2009, and determined to be fully complete on October 28, 2009. Given these facts the application is vested on April 9, 2009. There are no disputes regarding vesting.

**Time Limits:**

The application was determined to be fully complete on October 28, 2009. Therefore, the County Code requirement for issuing a decision within 78 days lapses on January 14, 2010. The State requirement for issuing a decision within 120 calendar days lapses on February 25, 2010.

**Public Notice:**

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, North Salmon Creek Neighborhood Association, and property owners within 300 feet of the site on November 10, 2009.

**Public Comments:**

No written public comments were received in response to notice.

**Project Overview**

The subject property is located on the northeast corner of NE 139<sup>th</sup> Street and NE 3<sup>rd</sup> Court. A metal-sided shop and mobile office used by a paving company are centrally located on the site. These buildings will be removed with development of the short plat. A naturopathic clinic is situated on the southeast portion of the property while an existing automotive repair shop is located in the northwest corner.

The applicant is initially proposing to divide the subject property into four (4) parcels. The existing 4,000 square foot automotive repair shop will be situated on Lot 1. Then the applicant intends to construct a 4,900 square foot quick lube auto service building on Lot 2, a 4,980 square foot automotive repair shop on Lot 3, and a 29,850 square foot mini-storage facility on Lot 4. The naturopathic clinic building will be converted to office space for use in conjunction with the mini-warehouse. Additional site improvements include associated parking, landscaping, utilities, stormwater, and infrastructure improvements.

Access to the site is currently obtained via four driveways; two of which are on NE 3<sup>rd</sup> Court with the remaining two on NE 139<sup>th</sup> Street. With this development, the number of accesses will be reduced so there will be a single driveway from each off-site roadway. The access from NE 139<sup>th</sup> will be a right in/right out driveway that was approved by a road modification [EVR2009-00036] prior to this current short plat/site plan application.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Light Industrial	ML	Automotive repair shop
North	Light Industrial	ML	Manufacturing
East	Urban Medium Density Residential	R-18	Single family residential
South	Urban Low Density Residential	R1-7.5	Single family residential subdivision
Southeast	Community Commercial	C-3	Shopping center
Southwest	Urban Medium Density Residential	R-18	Multi-family development
West	Light Industrial	ML	Industrial business complex

### Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |  |
|---------------------------------|--|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

**Major Issues:**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

**LAND USE:****Finding 1 – Lot Requirements**

Per Table 40.230.080-2, the ML zoning district has a minimum lot area of 10,000 square feet. In addition, the zone also specifies each lot have a minimum width of 100 feet and a minimum depth of 100 feet.

A review of the revised plan [*Exhibit 10*] reveals that all four (4) proposed lots meet the above standards.

**Finding 2 – Access and Reciprocal Easements**

There is an internal vehicular access drive that will be shared among the various lots. Reciprocal easements for this shared drive shall be recorded prior to recordation of the final plat (*See Condition A-3-a*). Furthermore, Lot 3 is entirely dependent upon this drive aisle for access so the order in which these parcels develop is important. A condition will, therefore be imposed to this ensure this parcel has sufficient access at time of final site plan (*See Condition A-1-a*).

**Finding 3 – Zoning**

The subject property is located within a ML (Light Industrial) zone designation. These areas are intended to provide for those less-intensive industrial uses which produce little noise, odor and pollution.

As previously noted, the proposed development includes an existing automotive repair shop on Lot 1, a quick lube auto service building on Lot 2, a automotive repair shop on Lot 3, and a mini-storage facility on Lot 4.

Pursuant to Table 40.230.080-1, auto repair facilities (NAICS - 811111) and automotive oil change and lubrication shops (NAICS - 811191) are specifically included as permitted uses in an ML zoning district. In addition, “lessors of mini-warehouses and self-storage units” (NAICS - 53113) are also identified as being permitted in this zone designation. Therefore, the uses being proposed for these lots are allowable activities, subject to site plan review.

**Finding 4 – Building Setbacks**

Table 40.230.080-2 identifies the following building setback requirements<sup>1</sup> for any development within an ML zone. Those applicable to this proposal:

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<sup>1</sup> Additional setbacks and/or landscape requirements may apply, particularly abutting residential uses or zones.

Front/street side: 20 feet  
 Side (interior): 10 feet  
 Rear: 15 feet

Other than the existing 2,250 building on Lot 4, all structures within this short plat will meet or exceed the above setbacks (*See Land Use Finding 8 below for additional setback requirements*). A review of permit records show this building was constructed as a residence in 1971. At that time, it was set back more than the 20 feet prescribed above. Acquisition of right-of-way along NE 139<sup>th</sup> Street for the Salmon Creek Interchange Project, however, has reduced the setback to approximately 12 feet. Since this setback reduction occurred through no fault of the applicant, it shall be considered a legal non-conforming situation.

#### Finding 5 – Off-street Parking

The proposed development includes a 4,000 square foot existing automotive repair shop on Lot 1, a 4,900 square foot quick lube auto service building on Lot 2, a 4,980 square foot automotive repair shop on Lot 3, and a 29,850 mini-storage facility on Lot 4.

Table 40.340.010-4 is used to determine the minimum number of parking spaces required for this development. For industrial uses, the rate is 1 space per 500 square feet of floor area.

Recognizing the nature of a mini-storage facility, the County has historically required parking only for the associated office use. For offices, the rate is 1 space per 400 square feet of floor area. According to an email received from the applicant [*Exhibit 11*], 1,000 square feet of the existing building is reserved for office space. The remainder of this building will also be used as a caretaker dwelling. Two (2) additional spaces are required for this residence.

Based on the above formulas, the following table identifies the required number of parking spaces and what is being shown on the revised preliminary plan [*Exhibit 10*] for each lot:

<u>PARCEL</u>	<u>PARKING SPACES REQUIRED</u>	<u>PARKING SPACES PROVIDED</u>
1	8	5
2	10	16
3	10	16
4	5	5

The existing automotive repair shop received site plan approval in 2004 [*PSR2004-00010 and FSR2004-00037*] when the building was converted from a warehouse. That review determined there was sufficient parking on the site to serve this use. With the proposed short plat, however, the number of spaces on this lot will be reduced so that the minimum parking requirements for the automotive shop will no longer be satisfied. The applicant is

proposing to resolve this situation by a shared parking arrangement between Lots 1 and 2. To provide sufficient parking for the automotive shop, however, the applicant will need to construct at least 3 of the shared parking spaces located on Lot 2 prior to recordation of the final plat (See *Condition A-1-b*). To ensure parking and other development requirements are satisfied for the automotive shop on Lot 1, final engineering and final site plat for this parcel will be required prior to recordation of the final plat (See *Condition D-1*). In addition, the shared parking agreement shall be recorded (See *Condition A-1-c*).

Accessible parking spaces shall be provided in compliance with the Americans with Disability Act (ADA). Based on the number of parking stalls on each lot, one van accessible handicap space is required on each resulting parcel. The revised plan [Exhibit 10] shows the prerequisite number of spaces. However, there is a question whether or not these spaces meet dimensional requirements (See *Building Safety Finding 1 and Condition A-10-a*).

Per CCC 40.340.010(A)(10), parking spaces on the perimeter of a parking lot or abutting landscaped areas or sidewalks shall include a wheel stop or curb at least 4 inches high located 3 feet back from the front of the parking space. Although the narrative [Exhibit 2, Tab 5] indicates that the parking stalls will include wheel stops, the revised plan [Exhibit 10] does not include this information. Therefore, a condition will be imposed to ensure compliance with code section (See *Condition A-1-d*).

#### Finding 6 – Lighting

The written narrative [Exhibit 1, Tab 5] indicates “the proposed new exterior lighting is for the parking lots and security purposes. Exterior site lighting will be shielded and designed to minimize glare for the neighboring residential community.” There is insufficient information, however, to determine that the fixtures do not cast significant light or glare off-site on adjacent properties or roadways, and are consistent with RCW 47.36.180. As a result, a condition will be placed that lighting plans shall be submitted for final site plan review (See *Condition A-1-e*).

#### Finding 7 – Landscaping

Table 40.230.080-2 requires that a minimum of fifteen percent (15%) of the site shall be landscaped. The narrative [Exhibit 2, Tab 5] indicates that approximately 16.2% of the overall development site is devoted to landscaping.

Based on a cursory calculation by staff, it is unclear whether or not each resulting lot meets this standard. Neither the revised site plan [Exhibit 10] nor the landscape plan [Exhibit 1, Tab 29] notes the amount of landscaping provided for each individual lot. This oversight shall be corrected on the final landscape (See *Condition A-2-a*).

Parking areas that contain at least seven (7) spaces shall contain landscape islands equally distributed at a ratio of one (1) island for every seven (7) parking spaces. A landscape island shall contain at least twenty-five (25) square feet, shall be at least four (4) feet wide, and shall prevent vehicles from damaging trees, such as by using a wheel stop or curb. At least one (1) tree shall be planted in each landscape island. Trees in

landscape islands shall reach a mature height of thirty (30) feet or more, cast moderate to dense shade in the summer and live at least sixty (60) years, require little maintenance and be suited for use in the proposed location.

The landscape plan does not match the layout of the shared parking area for Lot 1 and Lot 2 as shown on revised site plan [Exhibit 10]. For 21 parking spaces, three (3) landscape islands are required. For Lot 3, said plan shows two (2) islands. However, three (3) landscaped islands are prescribed for the 16 stalls being proposed. In addition, the applicant has not identified a planting scheme so staff is unable determine if the islands contained the necessary tree. These deficiencies shall be corrected on the final landscape plans for each resulting lot (See Condition A-2-b and A-2-c).

CCC 40.320.010(D)(2) specifies that rooftop and ground-level exterior equipment shall be screened from abutting property used or zoned for residential purposes or from an abutting public road right-of-way to at least an F2 or L3 standards if visible at grade from the property or right-of-way. From the submitted plans, it is not clear whether or not there is any exterior equipment associated with this project. As a result, a condition will be imposed to ensure compliance with this requirement (See Condition A-2-d).

#### Finding 8 – Landscape Buffers

In accordance with Table 40.320.010-1, the applicant is proposing the following perimeter landscaping scheme:

##### Lot 1

North: L1 landscaped 5-foot buffer;  
East: L1 landscaped 5-foot buffer;  
West: L2 landscaped 10-foot buffer;

##### Lot 2

East: L1 landscaped 5-foot buffer;  
West: L2 landscaped 10-foot buffer;  
South: L3 landscaped 10-foot buffer;

##### Lot 3

North: L1 landscaped 5-foot buffer;  
East: L1 landscaped 5-foot buffer;  
West: L1 landscaped 5-foot buffer;  
South: L3 landscaped 10-foot buffer;

##### Lot 4

North: L1 landscaped 5-foot buffer;  
East: L4 landscaped 40-foot buffer;  
West: L1 landscaped 5-foot buffer;  
South: L2 landscaped 10-foot buffer;



As discussed above, the applicant is proposing a joint access and a shared parking area between Lot 1 and Lot 2. In this situation, landscape buffers will not be required between these two resulting parcels.

The landscape plan [*Exhibit 1, Tab 29*] identifies the correct perimeter landscape buffers but does not identify existing plant materials nor does it include a description of the species and size of the trees at the time of planting. In addition, it does not indicate what type of groundcover or shrubs are to be planted within these buffers. The final landscape plan shall include this information (*See Condition A-2-e*).

Landscape buffers for the automotive repair shop on proposed Lot 1 were approved as part of the previous site plan approval. As with the parking, implementation of the short plat will necessitate a modification to the buffers. Therefore, the applicant will be required to submit a final landscape plan for Lot 1 prior to recordation of the final plat (*See Condition D-2*). In addition, landscaping and irrigation for this lot shall be installed according to an approved landscape plan prior to recordation of the final plat. It should be noted that, per CCC 40.320.030(B), verification of planting requires submission of the approved landscape plan along with a letter signed by a licensed landscape architect certifying that landscape and irrigation have been installed according to said plan (*See Condition D-3*).

For Lots 2, 3, and 4, installation of landscaping and the irrigation according to the approved plan shall be completed prior to issuance of a "Certificate of Occupancy" for the proposed building on said lot (*See Condition F-1*).

#### Finding 9 – Pedestrian Circulation

In accordance with CCC 40.340.020(A)(3), a pedestrian circulation route connecting structures and uses on the site is required (including parking). To the extent practicable, the pedestrian circulation system shall be designed to minimize the distance a pedestrian needs to walk between typical origins and destinations on the site. Where pedestrian routes cross access, maneuvering, parking or loading areas, the crossing must be clearly identified by using striping, elevation changes, speed bumps, a different paving material, and/or other method that effectively alerts drivers and pedestrians of the location and nature of the crossing. Striping is discouraged as the only method of identification of pedestrian crossings due to maintenance problems and effectiveness in alerting drivers. When striping is used it must be continuously maintained in perpetuity in an effective manner by the property. Where a pedestrian route is parallel and adjoining an auto travel lane, the pedestrian route must be safely separated from the auto travel lane by using a raised curb, bollards, landscaping or other physical barrier.

The revised preliminary site plan [*Exhibit 10*] shows the required pedestrian paths. Where the walkway crosses or is adjacent to a vehicular maneuvering area, however, the plan does not specify the type of demarcation that will be utilized. This deficiency shall be corrected on the final site plan for each respective lot (*See Condition A-1-f*).

#### Finding 10 – Solid Waste and Recycling Standards

Per CCC 40.360.020(C)(2)(d), for “other” non-residential buildings a minimum storage area of 10 feet, plus 4 square feet per 1,000 square feet of gross floor area shall be provided. Using this formula, and based on the square footage noted on the plan for each building, the following amount of solid waste and recycling area shall be provided on each resulting lot:

<u>PARCEL</u>	<u>USE</u>	<u>SQUARE FEET</u>	<u>REQUIRED SOLID WASTE STORAGE</u>
Lot 1	Automotive Repair	4,000	26 square feet
Lot 2	Quick Lube Shop	4,900	30 square feet
Lot 3	Automotive Shop	4,980	30 square feet
Lot 4	Mini-warehouse	29,850	130 square feet

The revised site plan [*Exhibit 10*] shows that each resulting lot has a designated trash receptacle area. Based on available information, staff is unable to determine that the area being provided meets the above requirements. A condition will, therefore, be imposed that compliance with solid waste storage standards shall be demonstrated (*See Condition A-1-g*).

Provisions of CCC 40.360.030(B)(3) require exterior storage areas to be enclosed by a screen to at least an F2 standard. A fence or wall that complies with the F2 standard shall be 6 feet high and 100% sight obscuring. Fences may be made of wood, metal, bricks, masonry or other permanent materials. This shall not include chain link fences with slats or similar construction. The submitted plans, however, do not include specifications on the trash enclosure. A condition will, therefore, be imposed to ensure compliance with this requirement is satisfied (*See Condition A-1-h*).

CCC 40.360.030(C)(1) specifies that solid waste storage areas shall be accessible to collection service personnel on the day and approximate time they are scheduled to provide collection service. Given orientation of the trash enclosure on Lot 1 staff has concerns that, if the adjacent parking space is occupied, the receptacle will be inaccessible. In addition, a similar situation exists on Lot 4 but is further compounded by location of the entry gate to the mini-warehouse complex. These trash enclosures will need to be reoriented so they are accessible to collection personnel (*See Condition A-1-i*).

#### Finding 11 – Performance Standards

CCC 40.230.080(D) states that no land or structure shall be used or occupied within an ML zone unless there is continuing compliance with the following minimum performance standards:

##### Noise

In the written narrative [*Exhibit 2, Tab 5*] the applicant states that “the site design seeks to minimize noise impacts.” In addition, activities associated with the proposed businesses will be conducted primarily inside. Other than the mini-

warehouse complex, any noise generated by the uses will occur during the course of normal business hours.

The maximum permissible noise levels are determined by Chapter 173-60 of the Washington Administrative Code (WAC) and Subtitle 40.3 of the Clark County Code. To ensure on-going compliance with these standards, a condition to this effect will be imposed upon the project (*See Condition H-1-a*).

#### Venting

The venting of odors, vapors, smoke, cinders, dust, gas, and fumes shall be directed away from residential uses within fifty (50) feet of the vent.

None of the structures proposed for this development are located within 50 feet of a residential use. The fact that permits will be required prior to construction, however, will ensure that all structures are vented according to building codes.

#### Odor

Per CCC40.230.080(D)(3), when an application is made for a use that is determined to be a major odor source the applicant must take measure for odor abatement.

Business activities being proposed are not identified by the Ordinance as major odor sources. Nonetheless, emissions for all activities occurring on site shall not exceed Southwest Washington Clear Air Agency General Regulations (*See Condition H-1-b*).

#### Light and Glare

New exterior lighting is being proposed in the parking lots and around the mini-warehouse for security purposes. The applicant indicates [*Exhibit 2, Tab 5*] that "exterior lighting will be shielded and designed to minimize glare for the neighboring residential community. The existing structures or proposed buildings on-site do not have facades of reflective coated glass or other highly reflective material."

As noted in Finding 8 above, the preliminary submittal packet did not include a lighting plan. As a result, a condition has already been imposed that the applicant submit plans demonstrating light fixtures do not cast significant light or glare off-site on adjacent properties, and are consistent with RCW 47.36.180. On-going compliance will also be required (*See Condition H-1-c*). Except for exterior lighting, any of the business operation producing heat and glare shall be conducted entirely within an enclosed building (*See Condition H-1-d*).

#### Outdoor Storage

Per CCC 40.230.080(D)(5), all storage areas shall be screened from adjoining properties or public rights, and establishes standards for said screening to minimize impacts on surrounding properties.

The revised preliminary plan [*Exhibit 10*] does not designate any specific outdoor areas for the storage of equipment, machinery or materials. Therefore, this performance standard is not applicable to this proposal. Any change to this arrangement will require further land use County review (*See Condition H-1-e*).

#### Vibration

Site generated ground vibrations shall not be perceptible by a person of ordinary sensitivity, without instruments, at any point of any boundary line of the property on which a use or structure is located.

In the written narrative [*Exhibit 2, Tab 5*], the applicant indicates "no unusual site generated ground vibrations are anticipated." Even so, an on-going condition to this effect will be imposed (*See Condition H-1-f*).

#### Electromagnetic Interference

Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted.

The applicant states that "no electric/magnetic fields will be created" by any of the proposed uses. On-going compliance with this performance standard will be placed as a condition (*See Condition H-1-g*).

#### Finding 12 – Existing Structures and Uses

As previously noted, an existing automotive repair shop, a naturopathic office, and a paving company are currently located on the development site. A metal-sided shop and mobile office used by a paving company will be removed with development of the short plat. A condition will be imposed to ensure these buildings are removed with the necessary permits prior to recordation of the final plat (*See Condition D-4*).

The existing automotive repair shop received site plan approval in 2004 [*PSR2004-00010*]. According to a review of County permit records, the building occupied by the naturopathic clinic was constructed as a single family residence. It does not appear that permits were obtained to convert this building to office use. In addition, staff was unable to locate any record of when the paving company was established on the property.

It should be noted that review of this current application is limited to the requested short plat and subsequent uses being proposed on each of the resulting lots (*See Condition G-1*). It does not address or authorize continued operation of any business that has not received the necessary building permits or land use approvals. Furthermore, it does not preclude future code enforcement action.

#### Finding 13 – Signs

Signs are subject to provisions of Chapter 40.310. A separate sign permit application will be required prior to installation of any commercial signs on site (*See Condition G-2*).

**Conclusion (Land Use):** Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets land use requirements of the Clark County Code.

### **ARCHAEOLOGY:**

#### **Finding 1 – Historic and Cultural Preservation**

The entire development site is located within a high (80 - 100 percent) probability area for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. This project is considered a high impact development. As a result, an archaeological predetermination was required.

An archeological survey of the property was performed, and the predetermination report recommended no further archaeological work is necessary at this time. The report was reviewed by the Department of Archaeology and Historic Preservation (DAHP). The agency concurs with this recommendation [*Exhibit 2, Tab 15*]. However, a condition will be imposed that in the event any cultural resources are discovered in the course of undertaking development activity for this project, both DAHP and Clark County shall be notified (*See Conditions A-1-j and D-8-a*).

**Conclusion (Archaeology):** Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

### **DEPARTMENT OF ECOLOGY:**

#### **Finding 1 – Toxic Clean-up**

The Washington Department of Ecology (DOE) submitted a letter, dated November 25, 2009 [*Exhibit 7*]. This correspondence notes that there is a known contaminated site within a half-mile radius of the proposed development site, and advises that "if environmental contamination is discovered on the site it must be reported to Ecology's Southwest Regional Office."

The applicant has been provided with a copy of the DOE letter, and is separately responsible for compliance with all state and federal regulations. An advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify the Department of Ecology if contamination is discovered (*See Condition B-4*).

#### **Finding 2 – Water Quality**

Any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It also specifies that "erosion control measures must be in place prior to any clearing, grading or construction" on site and identifies several preventative measures to be taken to ensure such discharge does not occur. An erosion and dust control plan is required by County Code (*See Condition A-7*).

Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

## **TRANSPORTATION:**

### **Finding 1 – Pedestrian/Bicycle Circulation Plan**

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The proposal meets the pedestrian circulation code.

### **Finding 2 – Road Circulation Plan**

The applicant has submitted a circulation plan that is sufficient as public circulation is not feasible to the north or east due to existing development. A joint access easement shall be established to allow for on-site circulation (*See Condition A-3-a*).

### **Finding 3 – Roads**

NE 139<sup>th</sup> Street is scheduled to be improved as part of the proposed Salmon Creek Interchange Project (CRP #330322). In the event that required frontage road improvements are included as a portion of a county road project on the county's six (6) year transportation improvement program scheduled to be undertaken within three (3) years, in lieu of constructing or guaranteeing the construction pursuant to Section 40.350.030(C)(4)(i) of such frontage improvements the developer may be permitted to contribute a proportionate share towards the cost of such county road project by an agreement consistent with the requirements of RCW 82.02.020.

The applicant shall coordinate design and construction of improvements on NE 139<sup>th</sup> Street with Clark County Public Works Department (please contact Shann Weishaar at 360-397-6118, ext. 4111). The applicant is responsible to construct the planned improvements in advance of the county capital improvement project (CRP #330322), unless the applicant and Clark County Public Works execute a deferral agreement in accordance with procedures of CCC 40.350.030(B)(5)(c) (*See Condition A-3-b*).

NE 3<sup>rd</sup> Court is a private industrial roadway upon which the applicant has proposed to construct an attached sidewalk. Pursuant to CCC 40.350.030(B)(5)(a)(6), the applicant shall verify the base rock and asphalt thicknesses of the frontage of NE 3<sup>rd</sup> Court are sufficient by performing a pavement deflection test. If it is not sufficient, the frontage of NE 3<sup>rd</sup> Court shall be rebuilt so that it is strong enough for industrial traffic (*See Condition A-3-c*).

The proposed driveway approach to NE 3<sup>rd</sup> Court shall be as consistent as possible with standard drawing F16 or F17. A modified driveway approach is appropriate. Diagrams of turning movements at the driveway approaches and for the western portion of the on-site area shall be provided (*See Condition A-3-d*).

#### Finding 4 – Road Modification

A road modification (EVR2009-00036) was previously approved that allows access to the site from NE 139<sup>th</sup> Street which accounts for future improvements that are to be made as part of the Salmon Creek Interchange Project *Exhibit 2, Tab 27*]. The application was submitted by Clark County Public Works.

#### Finding 5 – Sight Distance

The applicant has submitted a sight distance analysis letter dated September 30, 2009 [*Exhibit 2, Tab 26*]. It indicates that “a preliminary assessment of driver sight distance was measured along NE 3<sup>rd</sup> Court at the driveway access location, and along NE 139<sup>th</sup> Street at the proposed right-in/right-out driveway.” It concluded that the proposed development “can be constructed without significantly adversely effecting traffic operations or safety in the vicinity of the site.”

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. The applicant shall meet the standards of CCC 40.350.030(B)(8) (See *Condition A-3-e*).

#### Finding 6 – Site Plan Development

As each resulting lot is developed, the applicant is responsible for providing all necessary transportation improvements required for said lot, including a temporary turnaround if necessary. Design of the required transportation improvements for each proposed site plan will be reviewed during final engineering review (See *Condition A-3-f*).

**Conclusion (Transportation):** Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets transportation requirements of the Clark County Code.

### **TRANSPORTATION CONCURRENCY:**

#### Finding 1 – Trip Generation

The applicant has submitted a traffic study, prepared by CTS Engineers, under provisions of CCC 40.350.020 (D)(1).

County concurrency staff has reviewed the proposed 139<sup>th</sup> Street Plaza development consisting of the following land uses:

Land Use	Parcel Number	Building Sq. Ft.	PM Trips Proposed	ADT
Auto Care Center (Existing)	Lot 1	4,000		
Mini-Warehouse	Lot 4	29,850	8	75
Quick Lube Vehicle Shop	Lot 2	4,900	25	196
Auto Care Center	Lot 3	4,980	17	180
<b>Net New Trip Totals:</b>		<b>39,730</b>	<b>50</b>	<b>451</b>

These trip generations were estimated using nationally accepted data published by the *Institute of Transportation Engineers Seventh Addition*.

It should be noted that the auto care center on Lot 1 is an existing facility approved in PSR2004-00010. The trips reserved for this facility have been consumed and are not considered as a part of this application. Since no additional building square footage is proposed for the existing facility on Lot 1, no additional new PM trips have been assigned or reserved.

#### Finding 2 – Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The applicant's traffic study indicates that there are currently three access locations along the development site parcel. Two full access locations currently exist on NE 3<sup>rd</sup> Court, approximately 60 and 175 feet north of NE 139<sup>th</sup> Street. These driveways serve two existing businesses – Vancouver Paving Company and Gaynor Automotive, respectively. The third access location is a right-in/right-out access that was approved with a road modification request application. This road modification (EVR2009-00036) was issued September 3, 2009.

The applicant is proposing to re-locate the Gaynor's Automotive existing driveway 5 feet north. This existing 36 foot-wide driveway will also be narrowed to 25 feet wide. The applicant's traffic study indicates that the existing Vancouver Paving Company driveway will be closed, and traffic redirected to a new joint access at the right-in/right-out access onto NE 139<sup>th</sup> Street. This new joint access at the right-in/right-out access onto NE 139<sup>th</sup> Street will serve the Vancouver Paving Company and the Salmon Creek Clinic.



#### NE 3<sup>rd</sup> Court Site Access Location

The applicant's traffic study shows that the relocated north access onto NE 3<sup>rd</sup> Court will maintain an estimated LOS A into the 2012 build-out horizon. The study also shows that this LOS was evaluated in the p.m. peak hour. Staff concurs with the applicant's LOS findings.

#### NE 139<sup>th</sup> Street Restricted Site Access Location

The applicant's traffic study shows that the joint right-in/right-out access onto NE 139<sup>th</sup> Street will maintain an estimated LOS B or better into the 2012 build-out horizon. The study also shows that this LOS was also evaluated in the p.m. peak hour. Staff concurs with the applicant's LOS findings.

#### Historical Accident Situation

The applicant's traffic study has analyzed the accident history for the new NE 3<sup>rd</sup> Court site access and the NE 139<sup>th</sup> Street right-in/right-out site access locations. The accident history was obtained from Clark County for a 3-year period, 2006 – 2009.

The applicant's analysis concluded that the study intersections did not exceed thresholds that would warrant additional analysis. County staff agrees with the applicant's findings. Therefore, no further accident history analysis or mitigation is necessary.

#### Finding 3 – Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway. The applicant's traffic study analyzed the need for turn lanes at the site accesses on NE 3<sup>rd</sup> Court and NE 139<sup>th</sup> Street. The applicant's study concluded that turn lanes are not warranted due to low turning volumes. The County concurs with the applicant's findings.

#### Finding 4 – Concurrency Compliance

The proposed development is required to meet standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within one mile of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, have been approved, or are under construction in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The "*in-process traffic*" information that can be obtained from the County's transportation model is from developments that generate 10 vehicle trips or more in the PM peak hour travel time. Developments in an urban area that have fewer than 10 vehicle trips in the PM peak hour travel time do not explicitly get shown in the County's model, but are accounted for in a "*background growth rate*" (1% per year). This "*background growth rate*" is a conservative rate to capture the collective effect from all of the smaller

developments in the immediate area and out of area traffic also.

#### Signalized Intersections

The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the maximum 240 seconds of delay in the build-out year. Therefore, staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

#### Unsignalized Intersections

County staff has performed an evaluation of the operating levels and delay standards represented in the County's model. The County's model consists of the study intersections of regional significance in the development area yielding operating levels and delay standards, during both the a.m. and p.m. peak hours with a LOS better than the minimum allowable LOS E for unsignalized intersections, with the exception of the NE 11<sup>th</sup> Avenue/NE 139<sup>th</sup> Street intersection.

The County's Traffix TM model reports a LOS F upon build-out of the proposed development for the intersection NE 11<sup>th</sup> Avenue/NE 139<sup>th</sup> Street in its current configuration. The applicant's traffic study indicates that there are no trips assigned to the failing approach in the NE 11<sup>th</sup> Avenue/NE 139<sup>th</sup> Street intersection. Staff concurs with the applicant's traffic study findings. Because this proposed development will not contribute to the degradation of the NE 139<sup>th</sup> Street/NE 11<sup>th</sup> Avenue intersection, additional analysis or mitigation is not required.

The County has determined that this development will comply with adopted Concurrency standards for unsignalized intersections.

#### Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model of the study corridors of regional significance under County jurisdiction yielded operating levels and travel speeds with an acceptable level of service.

Based on the above discussion, the County has determined that this development will comply with adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction. The County incurs costs to analyze the proposed development's impacts. Therefore, the applicant shall reimburse the County for costs incurred in running the concurrency model (*See Condition A-5*).

**Conclusion (Transportation Concurrency):** Based upon development site characteristics, the submitted traffic study dated September 30, 2009 prepared by CTS Engineers, the requirements of the County's transportation concurrency ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan can meet the requirements of the county transportation concurrency ordinance CCC 40.350.020.

## **STORMWATER:**

### **Finding 1 – Applicability**

The Stormwater and Erosion Control Ordinance (CCC 40.380) applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in CCC 40.380.030.

The project will create more than 2,000 square feet of new impervious surface and is a land disturbing activity not exempted in CCC 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050 (*See Condition A-7*). This project is subject to the erosion control ordinance.

### **Finding 2 – Stormwater Proposal**

The applicant is proposing to utilize an existing county owned regional stormwater facility, Quail Park facility (parcel #185566-000), for the purpose of stormwater quantity control, StormFilters (Contech Stormwater Solutions), and oil-water separators. The applicant has provided a copy of an agreement that allows for the use of this regional facility [*Exhibit 9A*], and has certified the facility is functioning as it was originally intended to function [*Exhibit 9B*].

Available information indicates that the subject parcel is located within the basin draining to the regional Quail Park stormwater facility. The applicant shall verify that the facility is functioning as designed and has the capacity to receive runoff from the proposed amount of impervious area (*See Condition A-6-a*).

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 5.0 inches. The 10-year/24-hour storm event precipitation depth is 4.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 3.0 inches.

The proposed water quality facilities shall not be sized with the use of weighted curve numbers. Only the pervious areas shall be considered (*See Condition A-6-b*).

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (*See Condition A-6-c*).

According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Stormwater exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage according to CCC 40.380.040

(C)(1)(d). An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required (*See Condition A-6-d*).

Per CCC 40.380.040 (H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities (*See Condition A-6-e*).

#### Finding 3 – Site Plan Development

As each resulting lot is developed, the applicant is responsible for providing all necessary stormwater improvements required for said lot. Design of the required stormwater improvements for each proposed phase will be reviewed during final engineering review (*See Condition A-6-f*).

**Conclusion (Stormwater):** Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of preliminary plan review criteria are satisfied.

### **CRITICAL AQUIFER RECHARGE AREA (CARA)**

#### Finding 1 – Applicability

The CARA code section applies to all critical aquifer recharge areas as defined in Section 40.410.010 (C). Based on the county GIS mapping, the proposed project falls entirely in the area of a Category II, therefore, it shall be subject to provisions of the CARA ordinance. The intent is to protect groundwater that may be used in the future for drinking water or business purposes.

An existing CARA permit (CRA2004-00001) was previously approved for the existing automotive repair shop. A new CARA permit may be needed for a use not permitted by the approved under this CARA permit (*See Condition A-8*).

### **FIRE PROTECTION:**

#### Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

#### Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-1*).

### Finding 3 – Fire Flow

Fire flow in the amount of 2,000 gallons per minute supplied at 20 PSI for 2 hours duration is required for this application (fire flow is based upon a 4,980 square foot, non-sprinkled, type V-B constructed building). Prior to obtaining building permits, the applicant shall submit proof from the water purveyor indicating that the required fire flow is available at the site (*See Condition E-2-a*). Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction (*See Condition E-2-b*).

### Finding 4 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Hydrants shall be provided such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads (*See Condition A-9-a*). The local fire district chief, however, approves the exact location of fire hydrants. The applicant shall contact Fire District 6 at (360) 576-1195 to arrange for location approval (*See Condition A-9-b*).

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection (*See Condition A-9-c*). In addition, the applicant shall provide and maintain a 3-foot clear space around the circumference of all fire hydrants (*See Condition A-9-d*).

### Finding 5 – Fire Apparatus Access

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access.

### Finding 6 – Entry Gates

Gates that obstruct fire apparatus access require permits and approval by the Fire Marshal prior to their installation (*See Condition E-2-c*).

### Finding 7 – Fire Alarm Systems

An approved fire alarm system is required at the time of construction for buildings in excess of 5,000 square feet, and subject to this application (*See Condition E-2-d*). Such systems require separate reviews, permits and approvals issued by the fire marshal's office.

**Conclusion (Fire Protection):** Staff finds that the proposed preliminary plan, subject to conditions identified above, meets fire protection requirements of the Clark County Code.

## **BUILDING SAFETY:**

### Finding 1 – Van Accessible Spaces

The revised site plan [*Exhibit 10*] shows at least one (1) accessible parking space for each resulting lot. It appears that a minimum of four (4) of these spaces must be van

accessible. It is unclear whether said spaces meet the required dimensional requirements for van accessible spaces. The final site plan shall contain sufficient detail to determine compliance with this standard (*See Condition A-10-a*).

#### Finding 2 – Accessible Space Identification

Section 502.7 of the IBC specifies that where accessible parking spaces are required to be identified by signs, the signs shall include the International Symbol of Accessibility complying with Section 703.6.3.1. The final site plan shall include information about the size and height of signage (*See Condition A-10-b*).

#### Finding 3 – Detectable Warnings

A standardized surface feature built in or applied to walking surfaces or other elements is required to warn visually impaired persons of hazards on a circulation path. The applicant has indicated that the project will have the necessary detectable warnings [*Exhibit 9*] and provided a 'typical' detail [*Exhibit 9C*]. This information, however, must be shown on the site plan. These deficiencies shall be corrected on the final site plan (*See Conditions A-10-c and A-10-d*).

### UTILITIES

#### Finding 1 – Water and Sewer

The proposed development is required to connect to both public water and public sanitary sewer. The site will be served Clark Public Utilities for water while Clark Regional Wastewater District will provide sanitary sewer service. The applicant has submitted a current utility review from these agencies confirming that services are available to the site.

Prior to occupancy for buildings on each resulting lot, the applicant will be required to document that service connections to the building have been approved by the purveyors (*See Condition F-2*).

#### Finding 2 – Health Department

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter serves as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department. (*See Condition A-11*).

**Conclusion (Utilities):** Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

**IMPACT FEES:**

Finding 1 – Traffic Impact Fees

The proposed development will have an impact on traffic in the area, and is subject to Traffic Impact Fees (TIF) in accordance with CCC 40.610 and 40.620. The site is located within the Mt. Vista TIF Sub-area with a fee rate of \$657.00 per new trip.

TIF is calculated as follows, where:

F = Fee rate

T = adjusted daily trips

A = 15% reduction adjustment for future tax revenues

BEF = Business Enhancement Factor

PB = Pass-by factor

Lot 2

$TIF = F \times T \times A \times BEF \times PB$

TIF = \$64,743.34 (4,900 square foot Auto Lube Service)

Lot 3

$TIF = F \times T \times A \times BEF \times PB$

TIF = \$65,800.37 (4,980 square foot Auto Repair Facility)

Lot 4

$TIF = F \times T \times A \times BEF \times PB$

TIF = \$41,674.34 (29,850 Mini-storage Facility)

TIF is payable prior to issuance of building permits. However, if the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate (See *Condition E-4*).

## SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- DS = Determination of Significance **(The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);**
- MDNS = Mitigated Determination of Non-Significance **(The impacts can be addressed through conditions of approval); or,**
- DNS = Determination of Non-Significance **(The impacts can be addressed by applying the County Code).**

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on November 10, 2009 is hereby final.

### **SEPA APPEAL PROCESS:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:



- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

**Staff Contact Person:** Vicki Kirsher, Planner – (360) 397-2375, ext. 4178

**Responsible Official:** Michael V. Butts, Development Services Manager

## DECISION

Based upon the revised preliminary plan [*Exhibit 10*], and the findings and conclusions discussed above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

## CONDITIONS OF APPROVAL

### **A Final Construction/Site Plan Review**

#### **Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction/Site Plan shall be submitted for review and approved, consistent with the approved preliminary plan and the following conditions of approval:

**A-1 Final Site Plan** - The applicant shall submit and obtain County approval of a final site plan for each resulting lot in conformance to CCC 40.320.040. Unless a specific lot is identified, the following conditions of approval apply to all lots within this short plat:

- a. Lot 3: Access to this lot across one of the adjacent parcels within this short plat shall be constructed. (*See Land Use Finding 2*)
- b. Lot 1: There shall be a minimum of 8 parking spaces to serve the existing automotive repair facility prior to recordation of the final plat. This may result in the construction of at least 3 of the shared parking spaces located on Lot 2. (*See Land Use Finding 5*)
- c. Lot 1: An agreement for shared parking between Lot 1 and Lot 2 of this short plat shall be submitted for review. Once approved by the Prosecuting

Attorney's office, said agreement shall be recorded with the County Auditor.  
(See Land Use Finding 5)

- d. Per CCC 40.340.010(A)(10), parking spaces on the perimeter of a parking lot or abutting landscaped areas or sidewalks shall include a wheel stop or curb at least 4 inches high located 3 feet back from the front of the parking space. (See Land Use Finding 5)
- e. Plans shall be submitted demonstrating light fixtures in parking areas do not cast significant light or glare off-site on adjacent properties, and are consistent with RCW 47.36.180. (See Land Use Finding 6)
- f. Pedestrian routes crossing vehicle access, maneuvering or parking areas on the final site plan must be clearly identified by using striping, elevation changes, speed bumps, a different paving material, and/or other method that effectively alerts drivers and pedestrians of the location and the nature of the crossing. (See Land Use Finding 9)
- g. The final site plan shall identify how much solid waste storage and recycling area is being provided on site. Dimensions of trash enclosures shall demonstrate compliance with provisions set forth in CCC 40.360.020. (See Land Use Finding 10)
- h. Plans showing sufficient detail to determine compliance with the requirement that the exterior storage area be enclosed by a screen to at least an F2 standard for the trash enclosures shall be submitted. (See Land Use Finding 10)
- i. Lots 1 and 4: In accordance with CCC 40.360.030(B)(1), the trash receptacle shall be accessible to collection service personnel. (See Land Use Finding 10)
- j. Archaeology - A note shall be placed on the face of the final construction plans as follows:  
"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (See Archaeology finding 1)

**A-2 Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan. Unless a specific lot is identified, the following conditions of approval apply to all lots within this short plat:

- a. The landscape plan for each respective lot shall identify the amount of landscape being provided for said lot. A minimum of fifteen percent (15%) of the lot/phase shall be landscaped. *(See Land Use Finding 7)*
- b. Lots 1 and 2: For 21 parking spaces, a total of three (3) landscape islands, meeting requirements set forth in CCC 40.320.010(E)(3) and (4), are required. One such island shall be provided in conjunction with the final site plan for Lot 1. *(See Land Use Finding 7)*
- c. Lot 3: Three (3) landscaped islands which meet provisions of CCC 40.320.010(E)(3) and (4) shall be provided. *(See Land Use Finding 7)*
- d. In accordance with CCC 40.320.010(D)(2), rooftop and ground-level exterior equipment shall be screened from an abutting public road right-of-way to at least an F2 or L3 standard if visible at grade from the property or right-of-way.
- e. The final landscape plan shall identify the location, number, species and size of trees, shrubs and/or groundcover to be planted within the prescribed buffers shown on the revised preliminary site plan *[Exhibit 10]*. This information shall also be provided for any existing landscape material to be retained. *(See Land Use Finding 8)*

**A-3 Final Transportation Plan/On-Site** - The applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350 and the following conditions of approval:

- a. A reciprocal joint access easement shall be established to allow for on-site circulation between the parcels resulting from this short plat. *(See Land Use Finding 2 and Transportation Finding 2)*
- b. The applicant shall coordinate design and construction of improvements on NE 139<sup>th</sup> Street with Clark County Public Works Department. The applicant is responsible for constructing planned improvements in advance of the county project, unless the applicant and Clark County Public Works execute a deferral agreement in accordance with procedures of CCC 40.350.030(B)(5)(c). *(See Transportation Finding 3)*
- c. The applicant shall verify the base rock and asphalt thicknesses of the frontage of NE 3<sup>rd</sup> Court are sufficient by performing a pavement deflection test. If it is not sufficient, the frontage of NE 3<sup>rd</sup> Court shall be rebuilt so that it is strong enough for industrial traffic. *(See Transportation Finding 3)*
- d. The proposed driveway approach to NE 3<sup>rd</sup> Court shall be as consistent as possible with standard drawing F16 or F17. Diagrams of turning

movements at the driveway approaches and for the western portion of the on-site area shall be provided. *(See Transportation Finding 3)*

- e. The applicant shall demonstrate compliance with sight distance requirements set forth in CCC 40.350.030(B)(8). Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections. *(See Transportation Finding 5)*
- f. The applicant is responsible for design and construction of all necessary transportation improvements required for each site plan on individual lots resulting from the proposed short plat. *(See Transportation Finding 6)*

**A-4 Transportation:**

- a. Signing and Striping Plan: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
- b. Traffic Control Plan: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.

**A-5 Final Transportation Plan/Off Site (Concurrency)** - The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$2,000. *(See Concurrency Finding 4)*

**A-6 Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities (as applicable), designed in conformance to CCC 40.380 and the following conditions of approval:

- a. The applicant shall verify that the Quail Park stormwater facility is functioning as designed and has the capacity to receive runoff from the proposed amount of impervious area. *(See Stormwater Finding 2)*
- b. The proposed water quality facilities shall not be sized with the use of weighted curve numbers. Only pervious areas shall be considered. *(See Stormwater Finding 2)*
- c. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. *(See Stormwater Finding 2)*

- d. According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Stormwater exiting a parcel shall be discharged with adequate energy dissipaters within the development site to prevent downstream damage according to CCC 40.380.040 (C)(1)(d). An offsite analysis extending a minimum of one-fourth of a mile downstream from the development site in compliance with the provisions of Section CCC 40.380.040(B)(2) is required. *(See Stormwater Finding 2)*
- e. Per CCC 40.380.040 (H)(3)(b), an easement or a covenant acceptable to the responsible official shall be provided to the county for purposes of inspection of privately maintained facilities. *(See Stormwater Finding 2)*
- f. The applicant is responsible for design and construction of all necessary stormwater improvements required for each site plan on individual lots resulting from the proposed short plat. *(See Stormwater Finding 3)*

**A-7 Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380. *(See Stormwater Finding 1)*

**A-8 CARA:** A new CARA permit may be needed for a use not permitted by the previously approved CARA permit (CRA2004-00001). *(See CARA Finding 1)*

**A-9 Fire Marshal Requirements:**

- a. Fire hydrants shall be provided such that the maximum spacing between hydrants does not exceed 300 feet and such that no portion of the building exterior is in excess of 300 feet from a fire hydrant as measured along approved fire apparatus access roads. *(See Fire Protection Finding 4)*
- b. The applicant shall contact Fire District 6 at (360) 576-1195 to arrange for location approval of fire hydrant locations. *(See Fire Protection Finding 4)*
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. *(See Fire Protection Finding 4)*
- d. The applicant shall provide and maintain a 3-foot clear space around the circumference of all fire hydrants. *(See Fire Protection Finding 4)*

**A-10 Building Safety:**

- a. The final site plan for each individual lot shall show sufficient detail to demonstrate that the required van accessible spaces meet dimensional requirements for said spaces. *(See Building Safety Finding 1 and Land Use Finding 5)*

- b. The final site plan shall include sufficient detail about the size and height for those signs identifying accessible parking spaces to determine compliance with IBC Section 502.7. *(See Building and Safety Finding 2)*
- c. The final site plan shall show detectable warning details at curb ramp crossing traffic lane in compliance with ANSI/A117.1-2003 section 406.12. *(See Building and Safety Finding 3)*
- d. For crossings that are on the same level as an adjoining sidewalk, the final site plan shall provide details demonstrating compliance with ANSI/A117.1-2003 section 406.12. *(See Building and Safety Finding 2)*

**A-11 Health Department Review** - Submittal of a "Health Department Project Evaluation Letter" is required as part of the Final Construction Plan Review or early grading application. If the Evaluation Letter specifies that certain actions are required, the Evaluation Letter will specify the timing of when those activities must be completed (e.g., prior to Final Construction Plan Review, construction, Provisional Acceptance, Final Plat Review, building permit issuance, or occupancy), and approved by the Health Department.

**A-12 Other Documents Required** - The following documents shall be submitted with the Final Construction/Site Plan:

- a. Developer's Covenant: A "Developer Covenant to Clark County" shall be submitted for recording that specifies the following Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. An access easement to the private facilities for the purpose of inspection shall be granted to the county. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.  
(Example: Deed dedicating required right-of-way)

**A-13 Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC Chapter 14.07.

<b>B</b>	<b>Prior to Construction of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

- B-1 Pre-Construction Conference:** Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 Erosion Control:** Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 Erosion Control:** Erosion control facilities shall **not** be removed without County approval.
- B-4 Contamination:** If during the course of construction activities on the site contamination is discovered, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300 for more information. (See *Department of Ecology Finding 1*)

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/site plan and the following conditions of approval:

- C-1 None**

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Lot 1 Site Plan:** The applicant shall submit and obtain County approval of a final site plan for Lot 1 prior to recordation of the short plat. Said site plan shall meet the conditions identified in A-1 above.
- D-2 Lot 1 Final Landscape Plan:** The applicant shall submit and obtain county approval of final landscape plan consistent with conditions listed A-2 above. (See *Land Use Finding 8*)
- D-3 Lot 1 Installation of Landscaping:** The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscape has been

installed on Lot 1 according to the approved landscape plan prior to recordation of the final plat. (See *Land Use Finding 8*)

**D-4 Demolition of Existing Buildings:** Prior to demolition or removal of any structures, the applicant shall obtain demolition permits from the Clark County Building Division. (See *Land Use Finding 12*)

**D-5 Abandonment of On-Site Water Wells and Sewage Systems** - The location of abandoned septic tanks and decommissioned wells shall be shown on the face of the final plat.

**D-6 Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.

**D-7 Developer Covenant** – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**D-8 Plat Notes** - The following notes shall be placed on the final plat:

- a. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- b. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- c. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon



the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

- d. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: \_\_\_\_\_."

## **E Building Permits**

### **Review & Approval Authority: Customer Service**

Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. *(See Fire Protection Finding 2)*

**E-2 Fire Marshal:**

- a. Prior to obtaining building permits, the applicant shall submit proof from the water purveyor indicating that the required fire flow is available at the site. *(Fire Protection Finding 3)*
- b. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to the commencement of combustible building construction. *(Fire Protection Finding 3)*
- c. Gates that obstruct fire apparatus access require permits and approval by the Fire Marshal *(See Fire Protection Finding 6)*
- d. An approved fire alarm system is required at the time of construction for buildings in excess of 5,000 square feet, and subject to this application. Such systems require separate reviews, permits and approvals issued by the fire marshal's office. *(See Fire Protection Finding 7)*

- E-3 Impact Fees** - Prior to issuance of a building permit, the applicant shall pay Traffic Impact fees to the Clark County Building Department in the amount of the following:

- a. Lot 2: 4,900 square foot Auto Lube Service - \$64,743.34;
- b. Lot 3: 4,980 square foot Auto Repair Facility - \$65,800.37;
- c. Lot 4: 29,850 Mini-storage Facility - \$41,674.34.

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate. *(See Impact Fee Finding 1)*

<b>F</b>	<b>Occupancy Permits</b> <b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Landscaping:** Prior to the issuance of an approval of occupancy any building for a respective lot, the applicant shall submit a copy of the approved landscape plan(s) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site. *(See Land Use Finding 8)*
- F-2 Utilities:** Prior to occupancy, the applicant shall provide documentation that water and sanitary sewer service connections to the building have been approved by the respective surveyor. *(See Utilities Finding 1)*

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b> <b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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- G-1** This review and approval is limited to the proposed short plat and site plan review plan for a 4,000 square foot existing automotive repair shop on Lot 1, a 4,900 square foot quick lube auto service building on Lot 2, a 4,980 square foot automotive repair shop on Lot 3, and a 29,850 square foot mini-storage facility on Lot 4. Any other uses require further land use approval. *(See Land Use Finding 12)*
- G-2** A sign permit will be required prior to installation of any commercial signs on the site. *(See Land Use Finding 16)*
- G-3 Site Plan Approvals:** Within 5 years of preliminary plan approval, a Fully Complete application for a building permit shall be submitted.
- G-4 Land Division:** Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- G-5 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required if:

- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

**G-6 Building and Fire Safety:** Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

**G-7 Building Elevation Approvals:** Approval of building elevations submitted for preliminary plan review does not ensure compliance with other requirements (e.g., building setbacks) under other construction codes. Compliance with other construction codes is the responsibility of the applicant at the time of building permit issuance.

<b>H</b>	<b>Post Development Requirements</b> <b>Review &amp; Approval Authority: As specified below</b>
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**H-1 Performance Standards:**

- a. Noise levels generated by activities on the subject site shall comply with Chapter 173-60 of the Washington Administrative Code (WAC) and Subtitle 40.3 of the Clark County Code. *(See Land Use Finding 11)*
- b. Emissions for all activities occurring on site shall not exceed Southwest Washington Clear Air Agency General Regulations. *(See Land Use Finding 11)*
- c. Light fixtures shall not cast significant light or glare off-site on adjacent properties, and are consistent with RCW 47.36.180. *(See Land Use Finding 11)*
- d. Except for exterior lighting, any of the business operation producing heat and glare shall be conducted entirely within an enclosed building. *(See Land Use Finding 11)*

- e. Outdoor storage of equipment, machinery or materials will require additional land use approval. *(See Land Use Finding 11)*
- f. Site generated ground vibrations shall not be perceptible by a person of ordinary sensitivity, without instruments, at any point of any boundary line of the property on which a use or structure is located. *(See Land Use Finding 11)*
- g. Electric fields and magnetic fields shall not be created that adversely affect the normal operation of equipment or instruments or normal radio, telephone, or television reception from off the premises where the activity is conducted. *(See Land Use Finding 11)*

**Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.**

### **Decision Appeal Process:**

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on January 14, 2009. Therefore any appeal must be received in this office by January 28, 2009.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
  - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
  - The specific aspect(s) of the decision being appealed;
  - The reasons why each aspect is in error as a matter of fact or law;
  - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or

reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

**Attachments:**

- Copy of Proposed Preliminary Plan

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A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA. 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
Web Page at: <http://www.clark.wa.gov>

VICINITY MAP

10TH AVE

7TH PL

8TH PL

9TH PL

13TH ST

7TH AVE

NEW YORK BLDG

SITE

N

N.Y.S.



SCALE: 1"=40 FEET

**SITE INFORMATION:**  
105-402-000  
E5, P30, P71 of SEC. 22, T.34, R.1E.,  
406 NE 3rd COURT  
VANCOUVER, WA 98006  
4.20 Approx. Acres (162,952 SF)  
3.63 Acres per ROW agreement w/ Clon  
(166,635 SF.)

NOTES:  
CONTOURS WERE OVERLAYED WITH  
INFORMATION OBTAINED FROM  
CLARK COUNTY, WA ONLINE MAPS  
NO WELLS ON SITE WERE FOUND

LECPND.

FENCE LINE (EXISTING)      X ——— X ———

LOT LINE      ———

SETBACK LINE      ———

EASEMENT      - - - - -

EXISTING R-O-W (30')      - - - - -

CENTERLINE      ——— 3' ———

ROADWAY LINE      - - - - -

EXHIBIT 4

<p><b>Drawn:</b> J.W.L.</p> <p><b>Designed:</b></p> <p><b>Date:</b> December 2009</p> <p><b>Revised:</b> 12/10/09</p> <p><b>Sheet:</b> 103-01SP</p> <p><b>SHEET 1 of 2</b></p>	<p><b>Owner:</b></p> <p><b>Tom Gaynor</b>          12015 AVE 126th, 6546          BATTLEGROUND, WASHINGTON 98004</p>	<p><b>Applicant:</b></p> <p><b>J.A. Morris Construction LLC</b>          P.O. Box 12645          Olympia, WA 98508          360-570-8515</p>	<p><b>Engineered By:</b></p> <p><b>JCR CONSULTING</b>          8000 14TH AVE NW          OLYMPIA, WASHINGTON 98505          (206) 861-8924</p>	<p><b>Project Title:</b></p> <p><b>139th STREET PLAZA SHORT PLAT</b></p> <p><b>Site Plan</b></p> <p><b>Start Contents:</b></p>
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PRELIMINARY PLAN APPROVED  
Subject to Conditions  
Case# *PLD 009-0005* Exhibit# *10*  
Initial *DM* Date *1/14/10*